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November 13, 1984

US EPA RECORDS CENTER REGION 5



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Re: United States of America, et al. vs.
Reilly Tar & Chemical Corporation, et al.
Civil File No. 4-80-469

Dear Counsel:

Enclosed and served upon you by mail please find
Reilly Tar & Chemical Corporation's Interrogatories and Requests
for Production of Documents to the United States of America.
These Interrogatories and Requests for Production relates only
to Phase I issues.

Very truly yours,

Renee Pritzker

RBP:ph
Enclosures
cc: ✓ Robert Leininger, Esq. (enc.)
Paul Zerby, Esq. (enc.)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

UNITED STATES OF AMERICA,

Civil No. 4-80-469

Plaintiff,

and

STATE OF MINNESOTA, by its
Attorney General Hubert H.
Humphrey III, its Department
of Health, and its Pollution
Control Agency,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION'S INTERROGATORIES
AND REQUESTS FOR PRODUCTION
OF DOCUMENTS TO THE
UNITED STATES OF AMERICA
REILLY TAR & CHEMICAL CORPORATION;
HOUSING AND REDEVELOPMENT AUTHORITY
OF ST. LOUIS PARK; OAK PARK VILLAGE
ASSOCIATES; RUSTIC OAKS CONDOMINIUM,
INC.; and PHILLIP'S INVESTMENT CO.,

Defendants,

and

CITY OF ST. LOUIS PARK,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant,

and

CITY OF HOPKINS,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

TO: United States of America, plaintiff above-named, and its attorneys, James M. Rosenbaum, United States Attorney, Francis X. Hermann, Assistant United States Attorney, 110 South Fourth Street, Minneapolis, Minnesota 55401, and David Hird, Attorney, Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, 10th Street and Pennsylvania Avenue N.W., Washington, D.C. 20530.

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, defendant Reilly Tar & Chemical Corporation requests that the United States of America respond to the following interrogatories and produce all materials described below for inspection and copying at the offices of Dorsey & Whitney, 2200 First Bank Place East, Minneapolis, Minnesota 55402 within thirty (30) days from the date of service hereof.

DEFINITIONS AND INSTRUCTIONS

1. "Document" or "documentation" includes, without limitation, any written, printed, typed, or other graphic matter of any kind or nature, whether sent or received or neither, including drafts and copies bearing any marks (such as initials, comments, notations, notes or stamped indices) not found on the original, and includes, without limitation, all memoranda, reports, notes, transcripts, letters, envelopes, telegrams, cables, telexes, telephone bills, messages, interoffice memoranda, work papers, diaries, desk calendars, appointment books, drafts, minutes or transcriptions of meetings and other communications of every type, and all mechanical or electrical sound recordings, magnetic tapes, or other material on which information can be stored or obtained. The term "document" includes all documents in your care, custody, possession or control, or of which you have knowledge, whether or not you currently

have such documents in your care, custody, possession or control.

2. As used herein, the term "hazardous substance" shall have the meaning specified in 42 U.S.C. §§ 9601(14). The term "pollutants" and "contaminants" shall refer to all matter introduced by Reilly or from Reilly operations into the environment and is not limited only to those compounds which satisfy the definition of "pollutants" or "contaminants" in 42 U.S.C. § 9604(a)(2). The term "hazardous waste" shall have the same meaning as 42 U.S.C. § 6903(5).

3. As used herein, the term "release" shall have the same meaning as in 42 U.S.C. § 9601(22), except that the term shall also include releases in the workplace. As used herein, the term "environment" shall have the same meaning as in 42 U.S.C. § 9601(8).

4. The terms "risk assessment" and "risk management" shall have the same meanings as those terms have in Reilly's Request for Production of Documents to the United States dated October 15, 1984.

5. In answering these interrogatories and requests for production, if privilege is alleged as to any information or documents, or if any interrogatory or request is not otherwise answered in full after the exercise of due diligence to secure complete information, state the specific grounds for not answering in full and respond to said interrogatory or request for production to the extent to which no privilege is

claimed or to the extent to which information is available, and fully identify the information for which the privilege is asserted and specify the privilege (e.g., work product, attorney-client).

INTERROGATORIES

INTERROGATORY NO. 1: For each tar refinery, creosote treatment plant or chemical plant owned or operated by Reilly at any time since 1917, identify each actual or alleged instance of a release or threatened release of a pollutant, contaminant, or hazardous substance into the environment. For each release or threatened release identified, state the pollutant, contaminant or hazardous substance released, alleged to be released or threatened to be released, and state the date, location and manner of the release, alleged release or threatened release.

INTERROGATORY NO. 2: For each release, alleged release or threatened release identified in your response to Interrogatory No. 1 above, identify any risk assessment undertaken by anyone. For each risk assessment identified, state the manner or process by which the risks were assessed, the person or persons who assessed the risks, the date of the assessment, and the conclusion of the assessment.

INTERROGATORY NO. 3: For each coal tar refinery, creosote treatment plant, or chemical plant owned or operated by Reilly at any time since 1917, identify and describe in detail all clean up measures proposed or undertaken by anyone at any time to respond to any pollution or alleged pollution

or alleged pollution problem, including but not limited to soil, groundwater and surface water contamination.

REQUESTS FOR PRODUCTION

1. Produce all documents which refer or relate to the information requested in Interrogatories 1-3 above, including all documents identified or discussed in responses of the United States to those interrogatories or which refer or relate to the matters discussed in the responses of the United States to those interrogatories.

Dated: November 13, 1984

DORSEY & WHITNEY

By



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